

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JUNE 14, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Dave Boeck
Jim Gasaway
Cynthia Gordon
Diana Hartley
Tom Knotts
Curtis McCarty
Roberta Pailes
Chris Lewis
Andy Sherrer

MEMBERS ABSENT

None

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Kathryn Walker, Asst. City Attorney
Larry Knapp, GIS Analyst
Terry Floyd, Development Coordinator
Scott Sturtz, City Engineer
Shawn O'Leary, Director, Public Works
Susan Atkinson, Planner I

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Mr. McCarty announced that he needed to be recused on Item No. 12. He left the room.

Item No. 12, being:

ORDINANCE NO. O-1112-45 – 823 PROPERTIES, L.L.C. REQUESTS REZONING FROM R-2, TWO-FAMILY DWELLING DISTRICT, TO RM-6, MEDIUM DENSITY APARTMENT DISTRICT, FOR 0.24 ACRES OF PROPERTY LOCATED AT 930 ELM AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Site Development Plan
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Ms. Hudson – The applicant has requested rezoning from R-2 to RM-6, Medium Density Apartment District, to allow for the construction of a three-story, six-unit apartment building, with a parking lot which would be on the west side of the lot. The existing zoning is R-3 and R-2 around the area. Existing land use includes some sororities on the south, Stubbeman Village to the southeast. There is a ministries services building to the east, and the University in the distance. On the west side of this lot is a duplex. The current use is a single-family home. The 2025 Land Use Plan designation for this lot is high density residential use. With the close proximity to the University, the 2025 Land Use designation for the higher density developments, and the screening that they have proposed for the adjacent property to the north, staff does support this request. We did have a protest from the property owner to the north at 1.9%. The applicant's architect and representative are here and have a presentation for you.

2. Mr. Knotts – It appeared to me that the garage was also a living quarters behind that house.

3. Ms. Hudson – I'm not sure. I actually called to ask and they couldn't get hold of the owner to be able to tell what was back there. They might know now.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – Commissioner Knotts, I don't believe there is anybody living back there right now. I'm not positive about that. It is currently zoned R-2, so that would be allowed that you could have two different units on the property. I'll go into a little bit of length tonight just because we do have that one protest and they are here tonight to advocate against the project. You saw those slides. This area is very much surrounded by pretty high intensity uses. C-2 zoning is Stubbeman Village. C-2 zoning is as intensive a zoning as you can have in the City of Norman, so this is really in the midst of some high intense zoning. There's an aerial of what we're looking at, and you can see on the aerial – there's the Gamma Phi Beta house – basically the south Greek area is immediately south of this site. Stubbeman Village, the tall Walker Tower which you saw off in the distance is right there and you get into church uses and University religious uses all around it. Really, these two or three houses here are kind of an anomaly in the area in a way. What has happened is this applicant is in the process of purchasing this corner property to develop into not a really intense use – six units. This isn't what you just saw previously of a massive border-to-border block building. This is just a small six-unit apartment building with the parking lot behind it. That's the site looking up closer, you can see over here, is multi-family use right there. That's the University religious center, Stubbeman Village off the corner, and this is the site right here. There's some mature trees around it which we'll be preserving – they're really off the site to the north. This is what I really want you to look very closely at. This is a very intense NORMAN 2025 Planned area. This site is planned high density residential in NORMAN 2025. Not medium density residential on 2025, but high density residential. It is already planned for what we're proposing, is RM-6, Medium Density Residential for the site. So I would remind you Commissioners, that when we come before you

with a proposed zoning that is in line with 2025, you do, in a way, as an applicant, have a presumptive right to achieve that zoning because your community has said that's what you want it to be. That is the ideal condition. And that's what we're seeking tonight is RM-6 under the high intensity high residential use of 2025. There is the actual zonings. Really the only parcels that are not in line, now, with the high density residential 2025 Plan are the three right here – one of them protesting – and the one before you, the applicant. But you can see RM-6 over here, R-3 zoning which you just heard Mr. Williamson talk to you about, C-2 and C-1 zonings over here, and then all of the University facilities off to the east. This is the site plan. Again, in the interest of brevity, I'm going to ask Rick McKinney to come up and actually talk through how he has planned this site.

2. Rick McKinney, McKinney Partnership, 3600 West Main Street – As you can see on this site plan, we have six units, three stories high. The ground floor of this is outlined in the purple there. Each unit is approximately 1,000 square feet. We're a little bit over 6,000 feet for the whole building. The height will be under 35 feet – it's a low 35 feet with low ceiling heights inside. There's a breezeway in between the two bottom units, and it will be a controlled access for security. And then as you get up to the second and third floor, those two units will connect, but still allow room for the stairwell in the middle. The facility will be fire sprinkled. You'll notice on the site plan down below there's a lot of on-street parking. The duplex to the left – those cars back into the street. The sorority on the bottom of the page – those cars back into the street. We have 12 contained parking spaces on our lot with the required landscaping. We have screened polycarts for each of the units. There's also a 4' masonry wall on each side of the parking lot drive going into the site. One thing we're going to do is the front of the project will face Elm Street. It will be well landscaped. It will have a residential feel to it. We're going to have box dormer windows popped out of the unit. You can see by the articulation of the façade. We're looking at brick and stone and siding for this project. There's a 25' setback off of Elm Street, a 15' setback off of Hoover Street. There was one concern we had from the neighbor was the view from the units looking down to the single story house next door. I have shown the outline of the house. Our entire facility is to the east of that house. There's a swimming pool in the back yard of this house next door. They were concerned about being able to look down onto that unit. If you look at the floor plan, what we've done at this point – these are two-bedroom units, but the two bathrooms for those units are on the north side and the showers actually about the north wall, and those have glass block in the shower. There's a small window right here off of the bathroom, and then the bedroom window here faces east. The only window that actually faces the neighbor to the north is this bedroom window right here in the middle. If we go back to the site plan, that window is approximately in this location. Their swimming pool is back over here, and our rear yard – we're required to have a 20' rear yard – we are almost 75' from the west property line to the back of our unit. So virtually there will be no units looking down into the back yard, which is one of their concerns. This shows the breezeway in between with controlled access. His vision for this property would be to build a relationship with the sorority across the street, would be an example. Once you've done that where the upper level classmen start to use this facility and it would become a place where they would stay year after year across the street from their house. Also, we have no balconies. He did not want to have balconies where people could step outside, party, things like that, make noise. So there's no balconies projected out. We have landscaping all the way around the facility in excess of the city's standards. With that, if there's any questions for me before I sit down?

3. Mr. Boeck – The only question I would have is you don't need two stairs?

4. Mr. McKinney – No. If you sprinkle a building, wood frame, you just need one stair.

5. Mr. Rieger – I have a few more comments. I think it's important to note there is one protest here. It's 1.9%. Again, I hope Rick has explained well enough to you, as you see on that site plan, the pool is back here, the building is far out front with windows looking out to the east,

at best. All of this is R-3 zoning back here. They could certainly build up tall and look into that back yard much easier than we can. I think it's important for you to understand the motivation to some extent, at least, of the protest. In April I was given a call by this neighbor and they requested for us to buy their property. Their son, as I understand it, graduated from law school and was living there. He has moved out and they need to sell the property. It is currently listed on the MLS at \$299,000 and they purchased the property in 2008 at \$256,000. So they're listing it right now for \$186 per square foot. The comps in the area are roughly \$112 per square foot, \$126 per square foot, \$116 per square foot. My client simply is not interested in buying their property. They asked me again tonight on a different price would he be interested in buying the property. It was quite clear, I think, in April that the couple told me that if we weren't interested in buying they would protest the project, and they have tonight. So that's part of the protest, I think. It's important for you to understand that and hear that. Again, I would just simply remind from the staff report you see the really intense uses all around this project – significant intensities around and we are already platted. We are exactly in line with 2025 as this is proposed and, therefore, we do request your support. Staff supports this, I think quite easily, because it's in line with the 2025. With that, I request your support. I thank you very much for your time.

6. Ms. Pailes – Fine with me. Great. It's a good scale for the neighborhood. It's lovely. Thanks.

AUDIENCE PARTICIPATION:

1. Blaine Nice, 100 N. Broadway, representing Mr. Meade who owns the residence at 924 Elm, just directly north – First, I guess I need to respond to his comment about the property owner or his representative contacting him and asking to participate and then they wouldn't do it – it's like trying to extort money out of them or something. I don't think that's anything different than Mr. Rieger would do if he had a client that owned property that a three-story building was proposed to go next to, which is going to be five feet from the property line. They point out that the pool is not next to the building, but this building is going to be five feet next to the property line. The property owner's objection to this is that it's going to lower the property value – he already has it on the market and the realtor has advised him the price needs to be lowered. Yes, the price per square foot may be higher than any of the other properties in the neighborhood, but it's the nicest property in the neighborhood. It's a beautiful one-story bungalow. It's got trees. It's got a nice landscaped yard that they sit out in and it's got a pool. There was a residence next to it. Now there's going to be a three-story apartment with 12 people next to it. I understand it's nice and Mr. Rieger points out that Stubbeman – but Stubbeman is two or three blocks away. The sorority is across the street. And this is 5' from their property line. I understand in the grand scope of the 2025 Plan that is what is called for in this area. But, as Mr. Gasaway pointed out a few minutes ago, we're still studying how we're going to deal with these and what rules we're going to have with these. I just think it's a little premature to have this crammed into this lot when you've got a single-family residence next to it. You're having these discussions – I think they've had one public meeting and the public meetings end in August. I just think that the rules haven't been set of how we're going to handle this increased density. I understand it's within the Comp Plan and I appreciate that. I just think that the rules aren't there. But my client – it's going to increase the noise. It's going to increase the traffic. Mr. Williamson was a little bit naïve, I believe, and I think you may agree with him that you're going to have these types of structures and somebody is not going to bring a car to college. All 12 girls are going to have a car and every friend they invite over is going to have a car. I mean, there is no question it's going to increase the traffic and increase the density. That's just the reality. Try as we might, Oklahomans haven't bought into that we can walk very far and we don't need automobiles. That is not reality. And that's what's going to happen here. The parking lot is going to be next to the pool. There's going to be a lot of noise. It interferes with their use of the property. When they bought the property there was a residence next to it. Yes, it was multi-family, but it was not a three-story apartment. I understand there's some very good qualities in this proposal. Mr. McKinney has done a good job. We're not saying it's not a

good design, other than it's 5' from the property line. And if you owned a house and it was zoned a certain way and somebody comes in and asks for a change of use – a change in zoning – not something that's permitted with the zoning but a change in the zoning and to put a structure 5' from your property line, I don't think any of you sitting up here would like that. I'm just asking you to recommend denial of this at this time. I just don't think it's ready for this area. I'd be happy to answer any questions.

2. Mr. Rieger – I just want to make sure you're aware – Mr. Nice was equating this to the last project and to the very high density discussions we're having. That is not this. The very high density discussions you're having with the Elsey projects and others is 100 units per square acre. This is 6 units on I think about a quarter of an acre. It is nothing like that. RM-6 is not the intensity of zonings that the high density discussions are having or anything like the last project where you just approved a 5' separation full width of the block, three stories with windows all looking down into the neighbor. You just approved that project. This is far less density than that. Thank you very much.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend approval of Ordinance No. O-1112-45 to the City Council. Jim Gasaway seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Cynthia Gordon, Diana Hartley, Tom Knotts, Roberta Pailes, Chris Lewis, Andy Sherrer
NAYES	None
RECUSED	Curtis McCarty

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-45 to the City Council passed by a vote of 8-0.

Mr. McCarty rejoined the meeting.

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